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APR 16 2004

OFFICE OF PETITIONS

In re Application of :
Blatt, et al. :
Application No. 09/298,358 : **ON PETITION**
Filed: April 23, 1999 :
Attorney Docket No. METRIKA-003 :

This is a decision on the petition under 37 C.F.R. § 1.137(b),
filed March 31, 2004, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be
submitted within TWO (2) MONTHS from the mail date of this
decision. Extensions of time under 37 CFR 1.136(a) are
permitted. The reconsideration request should include a cover
letter entitled "Renewed Petition under 37 CFR 1.137(b)."

This application became abandoned for failure to timely reply
within three months to the Office action mailed March 23, 2000.
Accordingly, this application became abandoned on June 24, 2000.
A Notice of Abandonment was mailed on November 7, 2000.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now
provide that where the delay in reply was unintentional, a
petition may be filed to revive an abandoned application pursuant
to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR
1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed.
In a nonprovisional application abandoned for
failure to prosecute, the required reply may be met
by the filing of a continuing application. In an
application, abandoned or lapsed for failure to pay

the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (1) above.

Petitioner states a continuation application was submitted with the instant petition as the necessary reply. The application file has been carefully reviewed and the continuation application can not be located in the file, nor is any indication of submission of the continuation found in the file. Accordingly, the petition must be dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 Box 1450
 Alexandria, VA 22313

By FAX: (703) 872-9306
 Attn: Office of Petitions

By hand: Customer Service Window
 2011 South Clark Place
 Crystal Plaza Two (left side entrance of building)
 Arlington, VA

Telephone inquiries should be directed to the undersigned at
(703) 306-9200.

A handwritten signature in dark ink, appearing to read 'E. J. Tannouse', followed by a horizontal line extending to the right.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office